

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 245

Introduced by Senator ~~Poochigian~~ Battin

February 15, 2005

An act to add Section 14682 to the Government Code, relating to state property.

LEGISLATIVE COUNSEL'S DIGEST

SB 245, as amended, ~~Poochigian~~ *Battin*. State property: use of real property: Department of General Services.

Existing law generally sets forth the duties and authority of the Department of Finance in overseeing the fiscal affairs of the state and the duties and authority of the Department of General Services in acquiring, assigning, and maintaining property on behalf of state agencies.

This bill would provide that final determination of the use of existing state-owned or state-leased office space that is currently under the jurisdiction of the Department of General Services by state agencies shall be made by the Department of General Services with the concurrence of the Department of Finance. It would provide that the request of an agency to acquire new facilities requires the approval of the Department of Finance in addition to any applicable requirement of approval by the Legislature. It would require the Department of General Services to procure approved new facilities for any agency that currently leases, purchases, acquires, or constructs its own office space through the department that meet the agency's needs using cost efficiency as a primary criterion, among any other agency-specific criteria, as applicable. It would require the Department of General Services to first consider the utilization of existing state-owned, state-leased, or state-controlled office facilities under the control or authority of the Department of General Services

that meets that criterion before considering the leasing of additional office facilities on behalf of a state agency. It would also require that when tenant state agencies located in existing state-owned office space vacate their premises, they continue to pay rent for the facilities unless and until a new tenant can be assigned or until the Department of General Services can negotiate a mutual termination of the lease, unless the department has generated the tenant's relinquishment or the tenant is vacating in accordance with the provisions of its lease agreement.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14682 is added to the Government
2 Code, to read:
3 14682. (a) Final determination of the use of existing
4 state-owned and state-leased office space that is currently under
5 the jurisdiction of the Department of General Services by state
6 agencies shall be made by the Department of General Services
7 with the concurrence of the Department of Finance.
8 (b) A request of an agency to acquire new office facilities
9 through lease, purchase, or construction shall require the
10 approval of the Department of Finance in addition to any
11 applicable requirement of approval by the Legislature. In
12 addition to any other applicable requirements, the Department of
13 General Services shall procure approved new office facilities for
14 any agency that currently leases, purchases, acquires, or
15 constructs its own office space through the department that meet
16 the agency's needs using cost efficiency as a primary criterion,
17 among any other agency-specific criteria, as applicable. The
18 Department of General Services shall first consider the utilization
19 of existing state-owned, state-leased, or state-controlled office
20 facilities under the control or authority of the Department of
21 General Services that meets that criterion before considering the
22 leasing of additional office facilities on behalf of a state agency.
23 (c) When tenant state agencies located in existing state-owned
24 office space vacate their premises, they shall continue paying
25 rent for the facilities unless and until a new tenant can be
26 assigned or until the Department of General Services can

1 negotiate a mutual termination of the lease. If the department
2 generates the tenant's relinquishment, or if the tenant is vacating
3 in accordance with the provisions of its lease agreement, the
4 tenant shall not be obligated to pay rent after vacating the
5 premises.

6 (d) The Legislature finds and declares all of the following:

7 (1) It is not the intent of the Legislature in enacting this section
8 to increase the jurisdiction of the Department of General Services
9 over construction, facilities, and real property that ~~is~~ are not
10 under the jurisdiction of the department on the date that this
11 section takes effect.

12 (2) It is the intent of the Legislature that existing state-owned
13 or state-leased offices are fully utilized by state agencies before
14 entering into new leases by permitting the Department of General
15 Services and the Department of Finance to control office facility
16 use by state agencies.

17 (3) It is the intent of the Legislature that mere cost efficiency
18 is not the sole criterion to be used in evaluating new leases or
19 acquisition of office facilities by state agencies. Other factors to
20 be considered should include, but need not be limited to, access
21 to the agency's customer or constituent base, security,
22 convenience of location, design for employees, and other
23 program needs and requirements.